



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Tenth Meeting Day

Monday Afternoon

January 27, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Mark Flory, Holy Trinity Lutheran Church, Greensburg, the guest of Representative Cleo R. Duncan.

The Pledge of Allegiance to the Flag was led by Representative Duncan.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera ☐	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz ☐
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer ☐
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 15: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 28, 2003, at 1:00 p.m.

KUZMAN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 27, 28, 57, 72, 75, 78, 88, 98, 144, 150, and 187 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 8 and 17 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 18 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 6

Representatives Hasler, Harris, Bardon, Behning, Bosma, Buell, Crawford, Day, Dickinson, Frizzell, Hinkle, Mahern, Mays, Murphy, Orentlicher, Porter, Noe, and C. Brown introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION honoring George Bindner.

Whereas, On Monday, January 27, 2003, the Indiana General Assembly will honor a former member, Representative George Bindner, for his many accomplishments;

Whereas, George Bindner was just 22 years of age when he was elected to the Indiana House of Representatives from Indianapolis;

Whereas, George Bindner is perhaps best remembered for coauthoring Indiana's school desegregation law, a move that many believe cost him his political career;

Whereas, Although George Bindner endured threatening letters and calls throughout the legislative session, he and co-author Representative James Hunter successfully shepherded this landmark legislation through the General Assembly, opening the way to equality in Indiana's educational system;

Whereas, George Bindner's decision to co-author the school desegregation law is just one example of his willingness to make a stand for ideals that help make our country great;

Whereas, Although George Bindner endured threatening letters and calls throughout the legislative session, he and co-author Representative James Hunter successfully shepherded this landmark

legislation through the General Assembly, opening the way to equality in Indiana's educational system;

Whereas, Another memorable event in the life of George Bindner was being introduced to President Harry Truman, who requested meeting him;

Whereas, President Truman asked that George Bindner meet him at the train during his whistle-stop campaign;

Whereas, President Truman was impressed knowing that George Bindner was only 21 years of age when nominated, making him the youngest member in the Indiana House of Representatives upon his election in 1948;

Whereas, After his defeat, George Bindner had a successful career in banking, served as the president of the Stroh's beer distributorship in Marion County, and owned a printing company and real estate business; and

Whereas, Although George Bindner has endured tragedy and heartache during his life, his strength of character and strong moral values have remained intact: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to acknowledge the accomplishments and strength of character displayed by George Bindner and to remind the citizens of Indiana of the value of great integrity and moral courage.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to George Bindner and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Clark.

House Concurrent Resolution 7

Representatives Scholer and Klinker introduced House Concurrent Resolution 7:

A CONCURRENT RESOLUTION honoring John W. Hicks on his tenure, his integrity and his accomplishments at Purdue University.

Whereas, The State of Indiana takes great pride in the accomplishments of its institutions of higher education;

Whereas, Purdue University attained new heights of excellence and achievement during the career of Dr. Hicks, beginning with his student days through his tenure as a professor in agricultural economics to his administrative service;

Whereas, During that time, Dr. Hicks wore "many hats" including his service as executive assistant to three presidents, senior vice president and acting president of the University;

Whereas, Dr. Hicks was a pre-eminent leader and advocate for higher education;

Whereas, Dr. Hicks was the University's liaison with the state of Indiana for many years and led a Task Force that played a major role in creation of the higher education system that now serves our state;

Whereas, Dr. Hicks' achievements created opportunities and better lives for generations of Indiana students;

Whereas, The University's traditional land-grant goals of learning, discovery, and engagement have been profoundly enhanced through leadership and commitment of Dr. Hicks;

Whereas, As a lasting legacy of that leadership and commitment, Purdue named its undergraduate library in honor of Dr. Hicks;

Whereas, Dr. Hicks and his wife, "Swiftly," were together a formidable team on the University's behalf and presented exemplary family values; and

Whereas, Dr. Hicks passed from this life on December 20, 2002: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the General Assembly honors Purdue University Senior Vice President Emeritus John W. Hicks for his distinguished tenure as Professor, Senior Vice President and Acting President, and notes with respect and admiration his significant achievements that have had a lasting impact on Indiana Higher Education in a career in the Hoosier State spanning more than forty years.

SECTION 2. That the Clerk of the House of Representatives transmit a copy of this resolution to the family of Dr. Hicks, and to the Secretary of the Purdue University Board of Trustees and the Chairperson of the University Senate for their permanent records.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Hershman and Alting.

House Concurrent Resolution 8

Representatives Porter and Crawford introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION memorializing James L. Sears.

Whereas, James L. Sears was the first African-American to wear the uniform of an Indiana State Police Trooper, but he was much more;

Whereas, James Sears, a man who cared deeply about his community, his family, and his friends, will be remembered as a man of quiet dignity;

Whereas, James Sears will be remembered as a man who was often forced to endure belittlement and unkind treatment from his fellow officers;

Whereas, James Sears persevered, and many others have benefitted from the shining example he set;

Whereas, James Sears served on the Indiana State Police force for 30 years, acting as bodyguard to Governor Otis R. Bowen and state legislators from 1977 to 1980;

Whereas, Upon retirement from the Indiana State Police, James Sears returned to school and obtained his bachelor's degree in Sociology from Indiana University-Purdue University Indianapolis and went to work for the Bureau of Motor Vehicles;

Whereas, James Sears was an involved member of his community, serving as a member and vice president of the Tuskegee Airmen, Indianapolis Chapter and as a 25 year member of the Flanner House of Indianapolis Foundation where he served as secretary of the board of directors, volunteer, and faithful supporter; and

Whereas, The death of James L. Sears on January 1, 2003, removed the source of a brilliant light from the lives of countless Hoosiers: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of James L. Sears and to commemorate his life and recognize his efforts in opening the doors of the Indiana State Police to all African-Americans.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of James L. Sears and the Indiana State Police Superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard and Breau.

House Concurrent Resolution 9

Representatives Hinkle, Bardon, Behning, Bosma, Buell, Crawford, Day, Dickinson, Frizzell, Mahern, Mays, Murphy, Noe, Orentlicher, Porter, and Summers introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION Honoring Dr. Beurt R. SerVaas for a lifetime of service to our state.

Whereas, Dr. Beurt SerVaas is recognized around the world as a leader and a builder of businesses and communities;

Whereas, Dr. SerVaas is a man of character and strength, with a great love for his country, state, community and family;

Whereas, The accomplishments of Dr. SerVaas are varied and far-reaching: military service during World War II, dozens of successful businesses including the Saturday Evening Post, creating Uni-Gov in Indianapolis, helping the growth of local universities, reinvigorating his home city of Indianapolis, and forty years of service on the Indianapolis City-County Council, serving as the President of the Council twenty-seven years;

Whereas, Dr. SerVaas has dedicated his life to positive improvement, making life a little better wherever he is involved;

Whereas, Dr. SerVaas has extended his hand in friendship to many young people over the years, helping those who seek his counsel and encouraging people to expand their horizons, reach for the stars, and do their best for themselves and also for the society in which they live;

Whereas, The lives of those who have worked with Dr. SerVaas and who have listened to his counsel have been greatly enriched by Dr. SerVaas's experience and wisdom;

Whereas, Dr. SerVaas married his beloved sweetheart Cory in 1950, and from this union Dr. SerVaas presently enjoys five children and nineteen grandchildren;

Whereas, Dr. SerVaas is a graduate of Shortridge High School in Indianapolis, Indiana University, and Indiana University School of Medicine where he was compelled by his inquisitive nature to learn about science, for the joy of learning;

Whereas, Our world, specifically including this state and Indianapolis, is a better place thanks to the patriotic dedication and tireless public service of this builder, Dr. Beurt SerVaas: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That Dr. Beurt R. SerVaas is honored and thanked for his lifelong service to our country, this state, and the City of Indianapolis.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Dr. Beurt R. SerVaas and the Indianapolis City-County Council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Borst.

Senate Concurrent Resolution 8

The Speaker handed down Senate Concurrent Resolution 8, sponsored by Representative Kuzman:

A CONCURRENT RESOLUTION honoring Jennifer Pillar on being named the Boys and Girls Clubs of Northwest Indiana Youth of the Year.

Whereas, Jennifer Pillar graduated from Lowell High School in 2002;

Whereas, Throughout high school, Jennifer made education her highest priority and worked diligently to maintain a 3.6 grade point average. She was inducted into the National Honor Society as a junior and served as Secretary of this organization as a senior;

Whereas, In addition, Jennifer participated in the spell bowl, decathlon, and super bowl academic teams and was a member of the varsity girls swimming team for four years, serving as captain her senior year;

Whereas, In 1999, Jennifer was introduced to the Boys and Girls Club through a Workforce Development program;

Whereas, Upon completion of this program, Jennifer was hired by the Club as a counter staff member. In this position, Jennifer has had

the opportunity to work with many children at the Club;

Whereas, Since that time, Jennifer has been actively involved in the Club, volunteering to assist with numerous fundraising events and community service projects. She has also served as Secretary of the Keystone Club and was chosen to represent the Cedar Lake Keystone Club at the Midwest Region Keystone Conference; and

Whereas, Jennifer's experience with the Cedar Lake Boys and Girls Club has influenced her plans for the future, contributing to her decision to attend St. Mary's College in the fall where she will pursue a career in pediatric nursing: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Jennifer Pillar's numerous accomplishments while attending Lowell High School and congratulates her on receiving the Boys and Girls Clubs of Northwest Indiana Youth of the Year Award.

SECTION 2. The Secretary of the Senate is hereby directed to send a copy of this resolution to Jennifer Pillar, her parents Susan and Bruce Pillar, and to Ralph Miller the Director of the Cedar Lake Boys and Girls Club.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representatives T. Adams, Liggett, and J. Lutz:

A CONCURRENT RESOLUTION to honor the Muncie Burris High School Girls' Volleyball Team for their outstanding accomplishment in the 2002 IHSA Class 2A Girls' State Volleyball Championship.

Whereas, The Muncie High School Burris Volleyball team had a record of 34-6;

Whereas, The team defeated No.1 Brownstown Central High School in the state championship game at historic Hinkle Fieldhouse in Indianapolis on November 9, 2002; 12-14; 21-19; 21-15;

Whereas, This is the fourteenth State Volleyball Championship for Muncie Burris High School;

Whereas, The team won 30 or more matches for the 21st straight year;

Whereas, Head Coach Steve Shondell has been head coach since 1977;

Whereas, Muncie Burris has won three National Championships and been runner-up three times;

Whereas, The Muncie Burris Volleyball Team was led by Head Coach Steve Shondell, Varsity Assistant Reece Peacock, Junior Varsity Coach Ana Etsler, Junior Varsity Assistant Mark Clark, Business Manager Seth Keever, Athletic Director Ray Dawson, Principal Donna Briggs, and includes team members Hannah Cheesman, Alaina Gibson, Erin Switzer, Molly Davis, Brittany Fullhart, Jamie Waters, Hana Ros, Alyssa Green, Kristi Kramer, Jill Macmillan, Amanda McCormick, Kappy Lang, Alice Enochs, Christina Dickerson, Marie Carroll, Lauren Kaminsky, Teresa Craig; and

Whereas, Team member, Amanda McCormick, received the IHSA Volleyball Attitude Award for the 2002-03 season: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana honor the Muncie Burris High School Girls' Volleyball team for its accomplishment in winning the 2002 IHSA Class 2A Girls' State Volleyball Championship and extend its congratulations to team members, coaches, and to the school.

SECTION 2. That the General Assembly expresses its support of and best wishes to the Muncie Burris High School Girls' Volleyball

team as they prepare for the next year.

SECTION 3. That a copy of this resolution be sent to each team member, Coach Steve Shondell, Varsity Assistants, Reece Peacock, Mark Clark and Ana Etsler, Athletic Director Ray Dawson, Principal Donna Biggs, and Superintendent Dr. Kenneth Miller.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representatives T. Adams and Liggett:

A CONCURRENT RESOLUTION honoring the Muncie Central High School Bearcat Girls' Volleyball Team for their outstanding accomplishment in the 2002 IHSAA Class 4A Girls' State Volleyball Championship.

Whereas, The Muncie Central High School Bearcats Volleyball team had a record of 39-1 and this was the fourth championship for the Bearcats;

Whereas, The team defeated Penn High School for the title at historic Hinkle Fieldhouse on November 9, 2002; 21-16; 21-14; 21-13;

Whereas, The Muncie Central High School Bearcat Volleyball team led by Head Coach Dave Shondell;

Whereas, The Muncie Central Bearcats team members include Laura Anderson, Katy Bird, Samantha Bird, Jessica Boyatt, Christie Campbell, Heather Fierce, Katie Fisher, Joselyn Johnson, Micaela Johnson, Kamille King, Christina Kuratko, Sona Lee, Heather Lyon, Ashley Meeks, Kelli Miller, Sarah Smith, Caitlin Stassen, and Phyllicia White; and

Whereas, Team member, Samantha Bird, received was a recipient of the IHSAA Volleyball Mental Attitude Award for the 200-03 season: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana honors the Muncie Central High School Bearcats Girls' Volleyball team for its accomplishment in winning the IHSAA Class 4A Girls' State Volleyball Tournament and extend its congratulations to team members, coaches, and to the school.

SECTION 2. That the General Assembly expresses its support of and best wishes to the Muncie Central High School Bearcat Girls' Volleyball Team as they prepare for next year.

SECTION 3. That a copy of this resolution be sent to each team member, Coach Steve Shondell, Varsity Assistants Keith Schunzel, Kirk Amman, Biff Wilson, Athletic Director Tom Jarvis, Principal Dick Daniel and Superintendent Marlin Creasy.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "phenylketonuria treatment" and insert **"inherited metabolic disease"**.

Page 1, line 6, after "means" insert **"a disease caused by an inherited abnormality of body chemistry."**

Page 1, delete lines 7 through 8.

Page 1, line 9, after "(c)" insert **"As used in this section, "low protein modified food product" means a food product that is:**

(1) specially formulated to contain less than one (1) gram of protein per serving; and

(2) intended to be used under the direction of a physician for dietary treatment of an inherited metabolic disease.

(d) As used in this section, "medical food" means a food that is:

(1) intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation; and

(2) formulated to be consumed or administered enterally under the direction of a physician.

(e)".

Page 1, line 16, delete "(d)" and insert **"(f)"**.

Page 1, line 17, delete "phenylketonuria treatment for a covered individual." and insert **"medical food and low protein modified food products that are prescribed by a covered individual's treating physician for treatment of the covered individual's inherited metabolic disease."**

Page 2, line 1, delete "(e)" and insert **"(g)"**.

Page 2, line 10, delete "Phenylketonuria".

Page 2, line 10, after "Treatment" insert **"of Inherited Metabolic Disease"**.

Page 2, line 16, delete "phenylketonuria treatment" and insert **"inherited metabolic disease" means a disease caused by an inherited abnormality of body chemistry."**

Page 2, delete lines 17 through 18.

Page 2, line 19, after "4." insert **"As used in this chapter, "low protein modified food product" means a food product that is:**

(1) specially formulated to contain less than one (1) gram of protein per serving; and

(2) intended to be used under the direction of a physician for dietary treatment of an inherited metabolic disease.

Sec. 5. As used in this chapter, "medical food" means a food that is:

(1) intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation; and

(2) formulated to be consumed or administered enterally under the direction of a physician.

Sec. 6."

Page 2, line 20, delete "phenylketonuria treatment for a covered individual." and insert **"medical food and low protein modified food products that are prescribed by a covered individual's treating physician for treatment of the covered individual's inherited metabolic disease."**

Page 2, line 21, delete "Sec. 5." and insert **"Sec. 7."**

Page 2, line 29, delete "phenylketonuria" and insert **"inherited metabolic disease" means a disease caused by an inherited abnormality of body chemistry."**

Page 2, delete lines 30 through 31.

Page 2, line 32, after "(b)" insert **"As used in this section, "low protein modified food product" means a food product that is:**

(1) specially formulated to contain less than one (1) gram of protein per serving; and

(2) intended to be used under the direction of a physician for dietary treatment of an inherited metabolic disease.

(c) As used in this section, "medical food" means a food that is:

(1) intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation; and

(2) formulated to be consumed or administered enterally under the direction of a physician.

(d)".

Page 2, line 34, delete "phenylketonuria treatment for an enrollee." and insert **"medical food and low protein modified food products that are prescribed by an enrollee's treating physician for treatment of the enrollee's inherited metabolic disease."**

Page 2, line 35, delete "(c)" and insert **"(e)"**.

(Reference is to HB 1019 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1252, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "IC 16-18-2-49)." and insert **"IC 16-18-2-49), when this information is available."**

Page 2, line 26, delete "IC 16-18-2-49)." and insert **"IC 16-18-2-49), when this information is available."**

(Reference is to HB 1252 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1512, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "transporting gravel" and insert **"transporting:**

(1) gravel;

(2) sand;

(3) soil;

(4) building aggregate;

(5) crushed stone;

(6) loose debris; or

(7) particulate material;"

Page 1, line 12, delete "gravel" and insert **"gravel, sand, soil, building aggregate, crushed stone, loose debris, or particulate material"**.

(Reference is to HB 1512 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

RESKE, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1034

Representative Pond called down House Bill 1034 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1071

Representative Kuzman called down House Bill 1071 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1044

Representative Foley called down House Bill 1044 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1089

Representative Kersey called down House Bill 1089 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1133

Representative C. Brown called down House Bill 1133 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1176

Representative Kuzman called down House Bill 1176 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1176-1)

Mr. Speaker: I move that House Bill 1176 be amended to read as follows:

Page 2, after line 36, begin a new paragraph and insert:
"SECTION 4. IC 25-6.1-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE March 1, 2004]: Sec. 1. (a) Except as provided in sections 7 and 9 of this chapter, an individual who applies for license renewal under IC 25-6.1-3-2 must complete ~~twelve~~ **(+2) twenty (20)** actual hours of continuing education **every four (4)** years from course providers that are approved by the commission.

(b) The continuing education requirement is as follows:

(1) At least ~~six (6)~~ **ten (10)** actual hours of courses in any of the following core subjects:

(A) Indiana rules and statutes governing auctioneering.

(B) Federal statutes governing auctioneering.

- (C) Auctioneering ethics.
 - (D) Escrow and trust funds.
 - (E) Contracts.
 - (F) Any other subject matter approved by the commission.
 - (2) At least ~~six (6)~~ **ten (10)** actual hours of courses in any of the following elective subjects:
 - (A) Agency.
 - (B) Business courses related to auctioneering.
 - (C) Auction management.
 - (D) Bid calling.
 - (E) Public speaking.
 - (F) Advertising.
 - (G) Specialty auction topics.
 - (H) Any other subject matter approved by the commission."
- (Reference is to HB 1176 as printed January 17, 2003.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

House Bill 1183

Representative Kuzman called down House Bill 1183 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1380

Representative Bischoff called down House Bill 1380 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1410

Representative Mays called down House Bill 1410 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1470

Representative Whetstone called down House Bill 1470 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1534

Representative Goodin called down House Bill 1534 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1064 be placed back on second reading forthwith for the sole purpose of amendment.

PELATH

Motion prevailed.

House Bill 1064

Representative Pelath called down House Bill 1064 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 1064-1)

Mr. Speaker: I move that House Bill 1064 be amended to read as follows:

Page 2, line 25, after "(a)" insert "**This section does not apply to an employer subject to 30 U.S.C. 815.**"

(b)".

Page 2, line 40, delete "(b)" and insert "(c)".

Page 2, line 40, delete "(a)," and insert "(b),".

Page 3, line 7, delete "(c)" and insert "(d)".

Page 3, line 7, delete "(a)" and insert "(b)".

Page 3, line 7, delete "(b)," and insert "(c),".

Page 4, line 14, delete "(d)" and insert "(e)".

(Reference is to HB 1064 as printed January 17, 2003.)

PELATH

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1055

Representative Goodin called down Engrossed House Bill 1055 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commerce.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Jackman.

Engrossed House Bill 1110

Representative Cheney called down Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Cheney withdrew the call of Engrossed House Bill 1110.

Engrossed House Bill 1134

Representative C. Brown called down Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 17: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Breaux, Miller, and Rogers.

Engrossed House Bill 1137

Representative C. Brown called down Engrossed House Bill 1137 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 89, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Rogers, Miller, and Craycraft.

Engrossed House Bill 1210

Representative Herrell called down Engrossed House Bill 1210 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 19: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Craycraft.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House

Bill 1117, Roll Call 13, on January 23, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I pushed the Yea button but the machine did not register my vote."

PORTER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 13 to 94 yeas, 0 nays. The corrected roll call is printed with this Journal.*]

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1167, Roll Call 14, on January 23, 2003. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I pushed the Yea button but the machine did not register my vote."

PORTER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 14 to 92 yeas, 2 nays. The corrected roll call is printed with this Journal.*]

HOUSE MOTION

Mr. Speaker: I move that Representatives Ripley and Heim be added as coauthors of House Bill 1008.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1019.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1052.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1056.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1057.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be added as coauthor of House Bill 1064.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1085.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as coauthor of House Bill 1089.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1165.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1183.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as coauthor of House Bill 1215.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1238.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1258.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1265.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1279.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1282.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Duncan and Ruppel be added as coauthors of House Bill 1286.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1331.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1345.

KROMKOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker and Welch be added as coauthors of House Bill 1361.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be removed as author of House Bill 1371, Representative Moses be substituted as author.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1380.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1381.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1382.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1385.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1387.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1388.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Fry and Reske be added as coauthors of House Bill 1407.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Chowning, Koch, and Heim be added as coauthors of House Bill 1421.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1470.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1484.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker, Duncan, and Bischoff be added as coauthors of House Bill 1489.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stine be added as coauthor of House Bill 1490.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stine be added as coauthor of House Bill 1491.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1507.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as coauthor of House Bill 1548.

HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Ruppel be added as coauthors of House Bill 1549.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cochran be removed as author of House Bill 1573, Representative Kromkowski be substituted as author.

COCHRAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1578.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1580.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Whetstone and Welch be added as coauthors of House Bill 1586.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1639.

BECKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Liggett be removed as author of House Bill 1682, Representative Kromkowski be substituted as author, and Representative Liggett be added as coauthor.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1791.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as coauthor of House Bill 1868.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Frenz and Hoffman be added as coauthors of House Bill 1891.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be removed as author of House Bill 2005, Representative Frenz be substituted as author.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Joint Resolution 2.

FRENZ

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Leonard, the House adjourned at 3:45 p.m., this twenty-seventh day of January, 2003, until Tuesday, January 28, 2003, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives